

JOHNATHAN S. HENSLEY, on behalf of
himself and others similarly situated,

Plaintiff,

v.

CITY OF CHARLOTTE, a North Carolina
municipal corporation,

Defendant.

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**DEFENDANT’S MOTION TO DISMISS
PLAINTIFF’S COMPLAINT AND
MOTION FOR JUDGMENT ON THE
PLEADINGS**

Fed. R. Civ. Pro. 12(b)(1) and 12(c)

Dismissal is appropriate pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure because Plaintiff lacks standing and, as a result, the Court lacks subject matter jurisdiction over Plaintiff's claims. Alternatively, judgment in Defendant's favor is appropriate pursuant to Rule 12(c) of the Federal Rules of Civil Procedure for the reasons set forth in Defendant's Memorandum of Law.

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WHEREFORE, Defendant hereby requests that the Court issue an Order dismissing the Plaintiff's Complaint in its entirety and with prejudice.

RESPECTFULLY SUBMITTED, this the 11th day of June 2021.

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2021 I electronically filed the foregoing **Defendant's Motion to Dismiss and Motion for Judgment on the Pleadings** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

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